

# Exhibit A

Exhibit A

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14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 In Re KATZ INTERACTIVE CALL  
18 PROCESSING LITIGATION

Case No. 07-CV-02213-RGK  
(FFMx)

19 This document relates to:

Case No. 07-ML-1816-B-RGK  
(FFMx)

20 RONALD A. KATZ TECHNOLOGY  
21 LICENSING, L.P.

**PLAINTIFF'S FIRST SET OF  
REQUESTS FOR ADMISSIONS TO  
AETNA, INC. AND AETNA RX HOME  
DELIVERY, LLC**

22 Plaintiff,

23 v.

24 AETNA, INC., et al.,

25 Defendants.

Pursuant to Federal Rule of Civil Procedure 36, Plaintiff Ronald A. Katz Technology Licensing, LP ("Katz") hereby requests that Defendants Aetna, Inc., and Aetna Rx Home Delivery, LLC (collectively "Aetna") admit, separately and in writing under oath within 30 days of service hereof, the truth of each of the following matters of fact and/or the genuineness of the following described documents in accordance with the Definitions and Instructions set forth below.

**I. DEFINITIONS AND INSTRUCTIONS.**

1. "PERSON" means any natural person.

2. "ENTITY" means any business, legal, or governmental entity or association or any other cognizable entity, including, without limitation, companies, corporations, proprietorships, partnerships, joint ventures, common interest groups, joint interest groups, consortia, clubs, associations, foundations, endeavors, ventures, firms, concerns, organizations, institutes, enterprises, alliances, governmental agencies or instrumentalities, and societies.

3. "YOU," "YOUR" and "AETNA" refer to defendants Aetna, Inc., and Aetna Rx Home Delivery, LLC, as well as any and all past or present officers, directors, partners, employees, agents, representatives, attorneys, accountants, advisors, consultants, divisions, subsidiaries, parents, affiliates, successors-in-interest, predecessors, or other PERSONS or ENTITIES acting or purporting to act for, or on behalf of, AETNA.

4. "DOCUMENT" is used in its broadest sense, and is defined to be synonymous in meaning and equal in scope to the definitions in Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. A draft or non-identical copy is a separate DOCUMENT within the meaning of this term.

5. "COMMUNICATION" means any transmission of information from one PERSON or ENTITY to another by any means in the form of facts, ideas, inquiries or otherwise.

1           6.     “PATENT-IN-SUIT” or “PATENTS-IN-SUIT” refers to the patents asserted  
2 against YOU in this action, including those identified in the Complaint or in any  
3 amended Complaint.

4           7.     “KATZ PATENT” refers to any patent with Ronald A. Katz or Ronald  
5 Katz listed as an inventor.

6           8.     “ACCUSED SYSTEM” is defined as one or more of the following  
7 systems:

8                   **a.     Prescription Refill Systems.**

9           Any system in existence from six years prior to the filing of this suit against  
10 You to the present by which Aetna customers can refill prescriptions with the  
11 assistance of interactive telephone technology.

12           Based on current discovery, the prescription refill systems include: the  
13 prescription refill system implemented in 2006 that uses the Aetna Voice  
14 Advantage platform referenced in Mr. Davis’ deposition (at pp. 28-29) including  
15 any prior versions of that system; the prescription refill system that may be operated  
16 by “PharmaCare” as referenced in Mr. Davis’ deposition (p. 29), including any  
17 prior versions of that system whether or not a different vendor was used; and, to the  
18 extent not already captured, any interactive telephone prescription refill service that  
19 has operated under the “Aetna Rx Home Delivery” name.

20                   **b.     Member Service Systems.**

21           Any system in existence from six years prior to the filing of this suit against  
22 You to the present that operates using the Aetna Voice Advantage platform (or any  
23 predecessor platform or IVR technology that offers at least some of the same  
24 functionality), in which a member customer can use interactive telephone services  
25 to assist with insurance claims, obtaining information on insurance benefits,  
26 coverage and eligibility and performing various other customer service tasks, such  
27 as, for example, checking claim status, requesting an ID card, updating customer  
28 information, changing providers and performing similar tasks. Beginning in 2002,

1 these systems have been collectively referred to by Aetna as the "Aetna Voice  
2 Advantage" telephone self-service system.

3 **c. Provider Service Systems.**

4 The systems in existence from six years prior to the filing of this suit against  
5 You to the present that operate using the Aetna Voice Advantage platform (or any  
6 predecessor platform or IVR technology that offers at least some of the same  
7 functionality), in which a healthcare provider customer can use interactive  
8 telephone services to assist with insurance claims, obtaining information on  
9 insurance benefits, coverage and eligibility and performing various other tasks such  
10 as, for example, checking on claim status, obtaining a mailing address, and  
11 checking patient information and performing similar tasks. These systems are  
12 sometimes announced to callers as "Aetna's Dedicated Provider Service Center."  
13 Beginning in 2002, these systems have also been collectively referred to by Aetna  
14 as the "Aetna Voice Advantage" telephone self-service system.

15 **d. Other Customer Service Systems.**

16 Although we understand that such systems are already captured by the above  
17 definitions, to the extent they are not, the ACCUSED SYSTEMS include any  
18 interactive customer telephone services in existence six years prior to the filing of  
19 this suit against You to the present, which have operated under any of the following  
20 names: Aetna TRS, Aetna Vision Care Service Center, Aetna US Healthcare  
21 Customer Service, and Aetna National Dentist Line.

22 The Accused Services are associated with at least one or more of the  
23 following phone numbers: 800-548-8816, 800-843-3661, 800-325-6541, 877-238-  
24 6200, 800-323-9930, 800-837-0977, 877-864-4583, 800-445-8742, 800-309-2386,  
25 800-624-0756, 888-632-3862, 212-457-0700, 800-367-3636, 800-537-9384, 800-  
26 793-8616, 800-992-7947, 800-451-7715, 866-612-3862, 800-555-4158 and 800-  
27 227-5720 and any alternate or other telephone numbers that access or have  
28 previously accessed the above systems or services.

1           9. The terms "any," "all," "each," "every," "and," "or," and "and/or" as  
2 used herein shall be construed as appropriate to bring within the scope of these  
3 interrogatories information and DOCUMENTS which might otherwise be interpreted  
4 to be beyond their scope.

5           10. The use of the singular form of any word includes the plural, and use  
6 of the plural form includes the singular form.

7 **II. ADMISSIONS.**

8  
9 **REQUEST FOR ADMISSION NO. 1:**

10 Admit that information related to the telephone number dialed by the caller is  
11 automatically provided to the ACCUSED SYSTEMS.

12 **REQUEST FOR ADMISSION NO. 2:**

13 Admit that information related to the telephone number the caller is calling  
14 from is automatically provided to the ACCUSED SYSTEMS.

15 **REQUEST FOR ADMISSION NO. 3:**

16 Admit that information related to the telephone number dialed by the caller is  
17 provided to the ACCUSED SYSTEMS by the public telephone network.

18 **REQUEST FOR ADMISSION NO. 4:**

19 Admit that information related to the telephone number the caller is calling  
20 from is provided to the ACCUSED SYSTEMS by the public telephone network.

21 **REQUEST FOR ADMISSION NO. 5:**

22 Admit that the Aetna Rx Home Delivery ACCUSED SYSTEM operating on the  
23 Aetna Voice Advantage platform is or has been accessible from more than one toll  
24 free telephone number.

25 **REQUEST FOR ADMISSION NO. 6:**

26 Admit that the prescription numbers utilized by YOUR customers to refill  
27 prescriptions in the applicable ACCUSED SYSTEMS can be defined to permit only one  
28 refill.



1 **REQUEST FOR ADMISSION NO. 7:**

2 Admit that, other than to correct errors, it is YOUR practice, policy, or  
3 procedure to not increase the number of refills specified for a prescription beyond  
4 the number of refills specified by the prescriber.

5 **REQUEST FOR ADMISSION NO. 8:**

6 Admit that, other than to correct errors, it is YOUR practice, policy, or  
7 procedure to not change the expiration date specified for a prescription beyond the  
8 date specified by the prescriber.

9 **REQUEST FOR ADMISSION NO. 9:**

10 Admit that, other than to correct errors, it is YOUR practice, policy, or  
11 procedure to not allow a customer to refill a prescription in the ACCUSED SYSTEMS  
12 more frequently than specified by the prescriber.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that it is not YOUR practice, policy, or procedure to issue the same  
15 prescription number to more than one person for use with each applicable ACCUSED  
16 SYSTEM.

17 **REQUEST FOR ADMISSION NO. 11:**

18 Admit that, other than to correct errors, it is YOUR practice, policy, or  
19 procedure to not refresh or recharge prescription numbers that may be utilized with  
20 each applicable ACCUSED SYSTEM.

21 **REQUEST FOR ADMISSION NO. 12:**

22 Admit that the ACCUSED SYSTEMS include structure that interfaces with the  
23 public telephone network.

24 **REQUEST FOR ADMISSION NO. 13:**

25 Admit that the ACCUSED SYSTEMS include structure that provides verbal  
26 prompts and messages to callers.

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**REQUEST FOR ADMISSION NO. 14:**

Admit that the ACCUSED SYSTEMS allow more than one caller to interact with ACCUSED SYSTEMS simultaneously.

**REQUEST FOR ADMISSION NO. 15:**


Admit that callers are coupled to the ACCUSED SYSTEMS through at least the public telephone network.

**REQUEST FOR ADMISSION NO. 16:**

Admit that the ACCUSED SYSTEMS include call distributors at multiple geographic locations.

Dated: March 21, 2008

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